Montana Fish, Wildlife & Parks

2300 Lake Elmo Drive
Billings MT 59105

April 8, 2011

TO: Environmental Quality Council
Director's Office, Dept. of Environmental Quality
Montana Fish, Wildlife & Parks*

Director's Office	Lands Section
Parks Division	Design & Construction
Fisheries Division	Legal Unit
Wildlife Division	Regional Supervisors

Mike Volesky, Governor's Office *
Sarah Elliott, Press Agent, Governor's Office*
Maureen Theisen, Governor's Office*
Montana Historical Society, State Preservation Office
Janet Ellis, Montana Audubon Council
Montana Wildlife Federation
Montana State Library
George Ochenski
Montana Environmental Information Center
Wayne Hirst, Montana State Parks Foundation
FWP Commissioner Shane Colton*
Montana Parks Association/Our Montana (land acquisition projects)
Richard Moore, DNRC Area Manager, Southern Land Office
County Commissioners
Other Local Interested People or Groups
* (Sent electronically)

Ladies and Gentlemen:

The enclosed draft Environmental Assessment (EA) has been prepared to stock up to 500,000 sauger fingerling per year into Yellowtail Reservoir for three years and concurrently stock up to 100,000 walleye triploid fingerlings per year for six years.

If you have questions or need additional copies of the draft EA, please contact Montana Fish, Wildlife & Parks at 247-2940. Please send any written comments postmarked no later than April 29, 2011 to the following address:

Mike Ruggles
Montana Fish, Wildlife & Parks
2300 Lake Elmo Drive
Billings, MT 59105 or
mikeruggles@mt.gov

Thank you for your interest,

Gary Hammond
Regional 5 Manager

Enclosure

MONTANA FISH WILDLIFE & PARKS

MEPA/NEPA CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed State Action:

   Stock up to 500,000 sauger fingerling per year into Yellowtail Reservoir for 3 years and concurrently stock up to 100,000 walleye triploid fingerlings per year for 6 years.

2. Agency Authority for the Proposed Action:

   *Montana Code (in part): **87-1-201. Powers and duties.** (1) The department (MTFWP) shall supervise all the wildlife, fish, game, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state and may implement voluntary programs that encourage hunting access on private lands and that promote harmonious relations between landowners and the hunting public. The department possesses all powers necessary to fulfill the duties prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and game laws and the rules adopted by the department. ……..*

   (9) (a) The department shall implement programs that:
   (i) manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq.;

   Mission Statement: Montana Fish, Wildlife & Parks, through its employees and citizen commission, provides for the stewardship of the fish, wildlife, parks, and recreational resources of Montana, while contributing to the quality of life for present and future generations. (The Road Ahead: Strategic Plans updated 2008, MTFWP)

3. Name of Project: **Yellowtail Dam Sauger Enhancement**

4. Name, Address and Phone Number of Project Sponsor (if other than the agency):

   MTFWP
   C/O Mike Ruggles
   2300 Lake Elmo Drive
   Billings, MT 59105
   406-247-2963

5. If Applicable: **Not Applicable**
   Estimated Construction/Commencement NA
   Date: May/June 2011
   Estimated Completion Date: October 2016

Current Status of Project Design (% complete): N/A

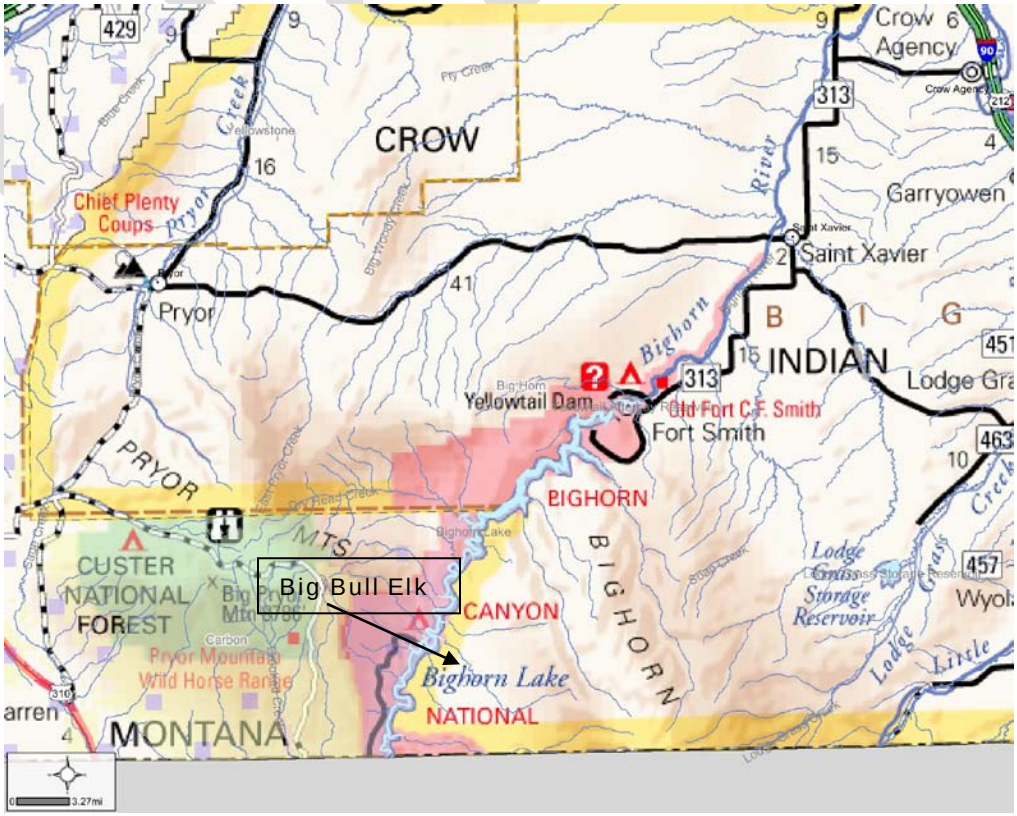
6. Location Affected by Proposed Action (county, range and township): **Bighorn Co., Carbon Co. Yellowtail Reservoir.**

7. Project Size: **5,574 surface acres**

Estimate the number of acres that would be directly affected that are currently:

	Acres		Acres
(a) Developed: 0		(d) Floodplain: 0	
Residential 0			
Industrial: 0		(e) Productive: 0	
		irrigated cropland:0	
(b) Open Space/Woodlands/Recreation:		dry cropland: 0	
		Forestry: 0	
(c) Wetlands/Riparian Areas: 0		Rangeland:0	
		Other: 5,574	

8. Map/site plan: attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.



9. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits: Wyoming Chapter 33 permit to transport eggs, Montana importation permit
Agency Name: Wyoming Game & Fish, Montana Fish Wildlife & Parks
Permit :
Date Filed/#: Permit process started in event the activity is approved.

(b) Funding: Montana Fish Wildlife and Parks, Wyoming Game and Fish
Agency Name:
Funding Amount: No new funding-Miles City State Fish Hatchery personnel would travel for eggs and rear sauger to fingerlings. Some MTFWP staff may, if approved, travel to assist Wyoming Spawn Crew. Wyoming would take on expense for fish collection and overall egg collection.

(c) Other Overlapping or Additional Jurisdictional Responsibilities:
Agency Name: National Park Service, Bighorn National Recreation Area.
Type of Responsibility: Some area around lake is National Recreation Area, access points are managed by the Park

(c) Other Overlapping or Additional Jurisdictional Responsibilities:
Agency Name: Crow Tribe
Type of Responsibility: Some area around lake is tribal land.

(c) Other Overlapping or Additional Jurisdictional Responsibilities:
Agency Name: Wyoming Game and Fish
Type of Responsibility: Collection of sauger eggs to supply Miles City State Hatchery.

10. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:

Primary purpose of this proposed action is to maintain a genetically pure population of sauger in the Bighorn River above Yellowtail Dam. This is the only pure population currently known in Montana with sufficient numbers of adults to be used for propagation and it is genetically unique from other Montana populations. The secondary purpose of this project is to provide a recreational and abundant population of sauger in Yellowtail dam. Sauger are native to the Bighorn River, however the dam creates non-native habitat.

Sauger found in Yellowtail Dam are entirely produced from natural spawn which primarily if not in its entirety occurs in Wyoming. Wyoming Game and Fish would be responsible for spawning operations. Fertilized eggs would be transported to Miles City State Fish hatchery for rearing. Sauger would be stocked near the dam and may be distributed to areas from the dam upstream to Big Bull Elk, a tributary of Yellowtail Reservoir. Although the goal will be to stock 500,000 sauger fingerlings each year, the ability to achieve this number will be dependent on success of the spawning operations. This should increase density of sauger starting in 2011, 2012, and 2013. Sauger collected in netting surveys indicate this area can and does support adult sauger.

Planned activities for the project include:

A. **Sauger stocking.** Sauger would be planted from Ok-A-Beh to the Big Bull Elk drainage with the majority stocked in and near Ok-A-Beh.

   Year 1. Stock up to 500,000 sauger fingerling greater than 2,000/lb in size. Stocking will be considered a success if at least 250,000 fingerlings are stocked. Complete some creel information if funds available, if not complete in year 2 if funds available. Continue annual April shocking survey at Ok-A-Beh and spring and fall gill netting series reservoir wide in Montana.

   Year 2. Stock up to 500,000 sauger fingerling greater than 2,000/lb in size. Stocking will be considered a success if at least 250,000 fingerlings are stocked. Continue annual April shocking survey at Ok-A-Beh and spring and fall gill netting series reservoir wide in Montana.

   Year 3. Stock up to 500,000 sauger fingerling greater than 2,000/lb in size. Stocking will be considered a success if at least 250,000 fingerlings are stocked. Continue annual April shocking survey at Ok-A-Beh and spring and fall gill netting series reservoir wide in Montana.

   Year 4. No stock of sauger unless a prior year produced less than 250,000 fingerlings, then a stock should be considered to replace the missing year class. Continue annual April shocking survey at Ok-A-Beh and spring and fall gill netting series reservoir wide in Montana.

   Year 5. No sauger stock. Continue annual April shocking survey at Ok-A-Beh and spring and fall gill netting series reservoir wide in Montana.

   Year 6. No sauger stock. Continue annual April shocking survey at Ok-A-Beh and spring and fall gill netting series reservoir wide in Montana. Conduct creel survey if funds available. (Mail creel survey information could also be used to determine if pressure increased over the project period, it isn't species specific but does provide some data.) Review all available data make recommendations for program. May evaluate appropriate size sauger within aged 0 to 5 years with stable isotope analysis to determine contribution of stocked sauger to the overall sauger population. This is dependent on funding of this activity and could be used in years 4 and 5 as well.

B. **Walleye stocking.** Up to 100,000 triploid walleye fingerlings will be stocked from year 1 through 6. Triploid rate must be equal to or greater than 90% for stocking to occur. This will be based on availability and is a reduction from the typical annual request of 500,000 fingerlings. This also reflects past availability of the hatchery to produce these fish.

C. **Electrofishing.** Sauger downstream in the Yellowstone River are genetically unique from the Bighorn sauger, and there is the possibility that some of the stocked sauger will move out of the reservoir, down the Bighorn and into the Yellowstone River where these unique populations could potentially interbreed. To monitor any such movements, electrofishing surveys will be conducted in June in the Bighorn River as part of the annual trout survey in the upper section and September as part of the lower trout section sampling. A fall electrofishing sampling effort similar to the April sample will also be implemented in the reservoir in an around Ok-A-Beh. If juvenile sauger are captured in adequate numbers useful for catch rate information in year 1 and/or year 2 this activity could be used to supplement or replace the April reservoir sampling.

11. List of agencies consulted during preparation of the EA:

Comments were pre scoped from the National Park Service Bighorn National Recreation Area, Crow Tribe, Bureau of Indian Affairs Billings Office, Bureau of Reclamation, Billings office, Western Area Power Billings office, Wyoming Game and Fish, MTFWP Helena fisheries staff, and Region 5 leadership.

PART II. ENVIRONMENTAL REVIEW

1. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. ∗∗Soil instability or changes in geologic substructure?		x				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		x				
c. ∗∗Destruction, covering or modification of any unique geologic or physical features?		x				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		x				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		x				
f. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

2. AIR **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. ∗∗Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		x				
b. Creation of objectionable odors?		x				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		x				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		x				
e. ∗∗∗For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a)		x				
f. Other:		x				

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

3. WATER **Will the proposed action result in:**	**IMPACT ***				**Can Impact Be Mitigated***	**Comment Index**
	Unknown *	**None**	**Minor ***	**Potentially Significant**		
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		x				
b. Changes in drainage patterns or the rate and amount of surface runoff?		x				
c. Alteration of the course or magnitude of floodwater or other flows?		x				
d. Changes in the amount of surface water in any water body or creation of a new water body?		x				
e. Exposure of people or property to water related hazards such as flooding?		x				
f. Changes in the quality of groundwater?		x				
g. Changes in the quantity of groundwater?		x				
h. Increase in risk of contamination of surface or groundwater?		x				
i. Effects on any existing water right or reservation?		x				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		x				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		x				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c)		x				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		x				
n. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

4. VEGETATION **Will the proposed action result in:**	**IMPACT ***				**Can Impact Be Mitigated***	**Comment Index**
	Unknown *	**None**	**Minor ***	**Potentially Significant**		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		x				
b. Alteration of a plant community?		x				
c. Adverse effects on any unique, rare, threatened, or endangered species?		x				

d. Reduction in acreage or productivity of any agricultural land?		x				
e. Establishment or spread of noxious weeds?		x				
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		x				
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

** 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		x				
b. Changes in the diversity or abundance of game animals or bird species?				x		A.5.b.*
c. Changes in the diversity or abundance of nongame species?		x				
d. Introduction of new species into an area?		x				
e. Creation of a barrier to the migration or movement of animals?		x				
f. Adverse effects on any unique, rare, threatened, or endangered species?		x				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?				x		A.5.g.*
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)		x				
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		x				
j. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed): A.5.b.* Sauger could become more abundant, diversity won't change as both sauger and walleye are already present. Walleye may or may not change abundance as actual stocking numbers may not change much. The total request would be reduced if the preferred alternative is accepted.

A.5.g.* This action is expected to increase sauger abundance and may decrease walleye abundance due to competition, but at the levels proposed for stocking this should not become and issue. Since both species are top predators changes in forage base or effects on other aquatic or terrestrial organisms is expected to be negligible since total number of fish stocked would not significantly change.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		

a. Increases in existing noise levels?		x				
b. Exposure of people to serve or nuisance noise levels?		x				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		x				
d. Interference with radio or television reception and operation?		x				
e. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

7. LAND USE **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		x				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		x				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		x				
d. Adverse effects on or relocation of residences?		x				
e. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

8. RISK/HEALTH HAZARDS **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		x				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		x				
c. Creation of any human health hazard or potential hazard?		x				
d. ∗∗∗For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		x				
e. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

9. COMMUNITY IMPACT **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		x				

b. Alteration of the social structure of a community?		x				
c. Alteration of the level or distribution of employment or community or personal income?			X			B.9.c.*
d. Changes in industrial or commercial activity?		x				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		x				
f. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

B.9.c.* Increased population of sauger may encourage more anglers as well as attract anglers interested in fishing a sauger dominated reservoir. This may to some degree increase use of the Bighorn Canyon National Recreation Area and increase visitation to communities on the way to the reservoir.

10. PUBLIC SERVICES/TAXES/UTILITIES **Will the proposed action result in:**	**IMPACT ***				**Can Impact Be Mitigated ***	**Comment Index**
	Unknown *	**None**	**Minor ***	**Potentially Significant**		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		x				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		x				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		x				
d. Will the proposed action result in increased used of any energy source?		x				
e. **Define projected revenue sources		x				
f. **Define projected maintenance costs.		x				
g. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

**** 11. AESTHETICS/RECREATION** **Will the proposed action result in:**	**IMPACT ***				**Can Impact Be Mitigated ***	**Comment Index**
	Unknown *	**None**	**Minor ***	**Potentially Significant**		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				

c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)			x			B. 11. c.*.
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

B. 11. c.* Anglers who fish specifically for walleye could experience a decline in walleye catch rates and may not support this effort as the quality of walleye fishing declines. It is anticipated increased catch rates of sauger may attract additional anglers replacing the potential loss of walleye specific anglers. Sauger are generally more susceptible to anglers than walleye. Improved catch rate of fish as a result of the proposed stock could lead to more angler days on Yellowtail.

12. CULTURAL/HISTORICAL RESOURCES **Will the proposed action result in:**	**IMPACT ***				**Can Impact Be Mitigated ***	**Comment Index**
	Unknown *	**None**	**Minor ***	**Potentially Significant**		
a. **Destruction or alteration of any site, structure or object of prehistoric historic or paleontological importance?		x				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

C. SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE **Will the proposed action, considered as a whole:**	**IMPACT ***				**Can Impact Be Mitigated ***	**Comment Index**
	Unknown *	**None**	**Minor ***	**Potentially Significant**		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be		X				

proposed?						
e. Generate substantial debate or controversy about the nature of the impacts that would be created?	x					C. 13. e.*
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)	x					
g. ****For P-R/D-J, list any federal or state permits required.				x		C. 13. g. *

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

C. 13. e. This action may create intense discussion about managing for sauger in other Montana and Wyoming waters at the expense of walleye fisheries. This action is specific to Yellowtail sauger and is meant to meet two purposes, conserving/protecting native sauger and providing a strong recreational fishery dominated by sauger. C. 13.g.* Montana fish health and interstate transport permit and Wyoming section 33 permit are both required.

PART II. ENVIRONMENTAL REVIEW, CONTINUED

2. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

Alternative A: No Action (current): continue stocking triploid walleye. The current annual request is 500,000 fingerlings, with a requirement that the triploid rate be greater than or equal to 90% for stocking to occur. The triploid process requires twice as many eggs as regular fingerling production and the fish need to be reared to a larger size to evaluate the triploid process. Because of these and other factors, availability has limited the stock to 53,887 in 2009 and 122,154 in 2010. Under this alternative however, the request and effort to obtain 500,000 triploid walleye would continue.

Alternative B: Don't stock sauger and discontinue walleye stocking.

Alternative C: Stock sauger and continue full stock of triploid walleye. This alternative includes a 6 year trial period, which includes 3 years of stocking 500,000 sauger fingerlings plus an annual stocking request of 500,000 triploid walleye for each of the 6 years.

Alternative D: (Preferred): Stock sauger with a reduced stock of triploid walleye. This alternative includes a 6 year trial period of which 3 years of stocking/request 500,000 sauger fingerling would be in place with an annual stocking/request of 100,000 triploid walleye for each of the 6 years, and 6 years of data collection

3. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency: **NA**

(This section provides an analysis of impacts to private property by proposed restrictions or stipulations in this EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in this EA is conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (EQC, 1996). A completed checklist designed to assist state agencies in identifying and evaluating proposed agency actions, such as imposed stipulations, that may result in the taking or damaging of private property, is included in Appendix A.)

PART III. NARRATIVE EVALUATION AND COMMENT

Alternative A: No Action (current): continue stocking triploid walleye.

This alternative has merit as walleye and sauger don't appear to be hybridizing in Yellowtail. However, even though the continued stocking of nearly 100% sterile walleye over time will reduce the threat of hybridization, it will not eliminate it totally. In addition, this alternative would not do anything to achieve the desired result of an increased sauger population, and potential competition with walleye from high rates of stocking may hinder any sauger expansion.

Alternative B: Don't stock sauger and discontinue walleye stocking.

Walleye abundance would decline under this alternative which would help meet the objectives of reducing the opportunity for walleye to hybridize with sauger. The fishery over time may be dominated by sauger from natural recruitment but overall distribution of sauger would likely be similar to current conditions with a gradient of fewer sauger near the dam to abundant sauger in Wyoming in and near the river. This alternative may not meet the objectives of enhancing the quality of fishing near the dam, or at least not in the short term.

Alternative C: Stock sauger and continue full stock of triploid walleye.

This alternative may lead to increased competition between walleye and sauger for cover and forage resulting in a poor size structure, slow growth rates, and a less desirable fishery for anglers. Additionally, this would come at a cost to other walleye fisheries in Montana. The hatchery system cannot increase total fingerling production to meet both demands without consequences. Furthermore, the continued stocking of nearly 100% sterile walleye over time will reduce but not eliminate the threat of hybridization.

Alternative D: (Preferred): Stock sauger with a reduced stock of triploid walleye.

This alternative reduces (but does not eliminate) the threat of hybridization with sauger, maintains walleye as part of the fishery, and could improve the fishery through the increased abundance of sauger in combination with walleye—assuming this does not overwhelming forage production. Implementation of this alternative could create the "go to place" for sauger fishing in Montana and draw additional anglers to Yellowtail reservoir.

Success of the Preferred Alternative will be determined by analysis of a variety of data collection efforts, including the annual April and/or fall shocking survey at Ok-A-Beh, and the lake-wide gill net surveys. Stable isotope analysis will be evaluated for use in determining contribution of stocked sauger to the overall sauger population in the reservoir. Angler reports and activity will be very important in determining success or failure of the program. Available creel data from the state wide creel mail survey for pressure estimates, and possibly pre- and post-fisheries creel data, will be used to support decisions after the 6 year project and evaluation period. Fish population characteristics, including sauger and walleye relative abundance, proportional stock density, and relative weights will be also used to determine response of the fishery. (NOTE: The ability to implement creel surveys

and stable isotope analysis will be dependent on additional MFWP funding or cooperation with other agencies.)

The results and analysis of this program will guide future management direction for walleye and sauger in Bighorn Lake. If the plan to enhance the sauger population fails, or does not meet objectives, any of the alternative approaches listed above may be used separately or in combination to devise future management and stocking decisions.

PART IV. EA CONCLUSION SECTION

1. Based on the significance criteria evaluated in this EA, is an EIS required (YES/NO)? If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

   No EIS is required. Since this project supports an existing native species and private land isn't impacted by this action the EA is the appropriate level of review.

2. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

   Worked with local Warm water angling groups in Billings to develop, preview, and plan action. Discussions with Walleyes Unlimited, Walleyes Forever, and Pike Masters were initiated in October 2009 and continue to the present time. The seriousness of this issue is complex-If steps are not taken to enhance sauger populations this species will continue its decline and degradation in most areas of Montana. This project will help protect possibly the last pure population in Montana. The level of public involvement is appropriate for this action.

2. Duration of comment period, if any. Date when comments are due. Mail or email address to send comments.

   21 day public review, comments due by April 29, 2011. Comments can be mailed or emailed. Mailed comments must be postmarked no later than April 29, 2011. Emailed comments should have a subject line, "Yellowtail Stocking", comments without this header will not be rejected.

4. Name, title, address and phone number of the person(s) responsible for preparing the EA:

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APPENDIX A

PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

(LIST ANY MITIGATION OR STIPALTIONS REQUIRED, OR NOTE "NONE") None

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES	NO		
	X	1.	Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2.	Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3.	Does the action deprive the owner of all economically viable uses of the property?
	X	4.	Does the action deny a fundamental attribute of ownership?
	X	5.	Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is **NO**, skip questions 5a and 5b and continue with question 6.]
X		5a.	Is there a reasonable, specific connection between the government requirement and legitimate state interests?
X		5b.	Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6.	Does the action have a severe impact on the value of the property?
	X	7.	Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is **NO**, do not answer questions 7a-7c.]
	X	7a.	Is the impact of government action direct, peculiar, and significant?
	X	7b.	Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?

	X	7c.	Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.